

Section 15(B) Signs¹

I. Purpose - The purpose of this by-law is to regulate, restrict, and place such limitations on the size, location, colors, type, illumination and other characteristics of all signs to assure that they will be appropriate to the land, buildings, or use to which they are appurtenant; be uniform within zoning districts; be protective of property values and the safety of the public; serve the informational purposes for which signs are intended while not detracting from the aesthetic qualities and characteristics of the Town of Foxborough. Terms used in this by-law that are not defined herein, shall have the meanings given in the Foxborough Zoning ByLaws.

II. Applicability & Procedures

A. General

1. No sign shall be erected, altered or relocated without a permit issued by the building commissioner, except as otherwise provided herein. Where multiple signs are to be attached to a building, the exact location of the signs on the building shall be subject to approval by the building commissioner or the board of appeals as applicable.
2. A sign(s), excluding window signs, located within a building or situated for viewing from within a building, stadium or similar sporting facility, shall not be governed by this by-law.

B. Fees - for sign permits shall be imposed in accordance with the schedule of fees for permits set forth by the board of selectmen.

C. Applications to the building commissioner

1. An applicant proposing to erect, alter or relocate a sign shall submit to the building commissioner a completed sign permit application, together with the required application fee and all supporting materials. It shall specify the building and sign dimensions, colors, attachment methods, location of the sign, method of illumination and any other pertinent information the building commissioner may require. A permit shall be issued only if the sign conforms to the provisions of this by-law and other applicable laws.
2. Any appeal from a decision of the building commissioner shall be filed within thirty (30) days from the date of such decision.

D. Applications to the Board of Appeals (the "Board")

1. An applicant proposing to erect, alter or relocate a sign for which a special use permit or a variance is required under this by-law shall submit an application for special use permits or variances together with the required application fee and other information required on the board's application form.
2. The application shall be filed with the town clerk and five (5) copies shall be filed with the board through the town planner. A certified list of abutters and abutters to abutters within three hundred (300') feet of the property line of the lot on which the sign is to be located is required to be filed with each copy of the application. An illustration of the proposal (to scale) as well as a brief synopsis of the request shall be included in the application.

¹ ATM May 8, 1995, Article #23, removed Sign By-Law from the Zoning By-Laws and inserted new section to the General By-Laws.

E. Public Hearings before the Board of Appeals

1. With respect to those signs requiring a special use permit or a variance from the board, a public hearing shall be held within sixty-five (65) days from the date of submission of an application to the town clerk. Notice of the time, place, and subject matter of the hearing, and the name of the applicant and address of the property in question shall be mailed to abutters and abutters to abutters within three hundred (300') feet of the property line of the lot on which the sign is to be located. Notice shall be published in a local paper, once in each two consecutive weeks prior to the hearing and posted on the notice board at the town hall, not less than fourteen (14) days before the hearing.

2. Variance Criteria - the board of appeals may vary the provisions of this by-law in specific cases where a literal enforcement of this by-law would involve practical difficulties or unnecessary hardship, provided that the requested relief may be granted without substantially derogating from the purpose of this bylaw.

Among other factors in deciding whether to vary the provisions of this by-law, the board may consider the location and visibility of a building or sign from the street, the proximity of the sign or use to potential users and abutters, topographic conditions, financial hardships, aesthetic considerations, and public safety issues. The board may also depending upon the facts and circumstances of a particular case, set forth appropriate conditions, safeguards and limitations on the time of illumination in order to promote the purposes of this by-law.

3. Special Use Permit Criteria - Among other factors considered when reviewing special use permit applications, the board shall place due regard to the nature and condition of adjacent structures and land uses, abutting zoning districts, unique economic considerations the proposed illumination of the sign, its size, location, color(s) and other aesthetic considerations, its impact on the integrity of the district where it is to be located and whether it will be detrimental to the general purposes of this by-law.

4. Decisions of the board shall be filed in the office of the town clerk within thirty (30) days after the close of the public hearing. A duplicate original of the decision shall be sent by mail to the applicant and any other person appearing at the hearing requesting a copy. No decision of the board on a variance or special use permit shall take effect until a copy of the decision, bearing the certification of the town clerk that thirty (30) days shall have elapsed after the filing of the decision with the town clerk and no appeal shall have been taken, or if appealed, the appeal shall have been dismissed or denied.

F. Nullification - A sign permit shall become null and void if the work for which the permit, special use permit or variance was issued has not begun within six (6) months of the date of issuance of the permit, special use permit or variance and thereafter diligently and continuously pursued to completion. However, the building commissioner may, for cause shown, issue extensions for a period not to exceed one (1) year from the date of issuance of the original permit, special use permit or variance, provided that the extension is obtained prior to the expiration of the original six (6) month period.

G. Existing Signs - Existing signs are classified into one of the three following categories:

1. Conforming signs which comply with all provisions of this bylaw.

2. Pre-existing, non-conforming signs which do not comply with one (1) or more of the provisions of this by-law but which are protected by virtue of having been in compliance with applicable sign by-laws when erected.

3. Non-complying signs which do not comply with this by-law or which are not protected under the provisions of Section G.2 above.

H. Alteration of Existing Signs

1. Conforming signs may be erected or relocated in conformance with this by-law.

2. Pre-existing, non-conforming signs may be reworded, redesigned or repainted as of right.

3. Pre-existing, non-conforming signs may be enlarged, replaced, or dimensionally altered, provided that the sign is not rendered more non-conforming or the pre-existing nonconformity is not intensified as a result of the enlargement, replacement or alteration, and provided further that the cost of the enlargement, replacement or alteration shall not exceed fifty (50%) percent of the current replacement value of the sign.

I. Administration and Enforcement

1. The building commissioner shall enforce the provisions of this by-law.

2. Any sign may be inspected by the building commissioner for compliance with this by-law and other applicable requirements of law.

3. The building commissioner may order the removal of any sign erected or maintained in violation of this by-law, by giving written notice to the owner of the non-complying sign or owner of the property on which a sign is located. Within thirty (30) days of any such order the offending sign shall be removed or brought into compliance with this by-law, as the case may be.

4. Any sign owner or owner of property on which a sign is located, who violates or permits a violation of this by-law, shall be subject to fines as established under the "non-criminal disposition" by-law. The fine shall take effect immediately following the later of:

a. thirty (30) days from the date of issuance of a written notice of violation given by the building commissioner or;

b. the date of conclusion of any appeal therefrom. Each day the violation persists shall constitute a separate offense.

J. Insofar as the provisions of this Section II are in conflict with or are inconsistent with the provisions of Section V.A.7 below, the provisions of Section V.A.& shall govern.¹

III. General Requirements

A. Signs identifying an activity, business use, or site shall be located on the same lot or structure where the activity or use is conducted, except as otherwise allowed below.

¹ STM December 6, 1999, Article #5.

1. An off-site sign may be allowed by a special use permit pursuant to the requirements set forth in Section II. E. 3, and may be in addition to any allowed on-site sign(s).

B. Except as otherwise provided herein, information on signs shall be limited to identifying an activity, business or use on the particular lot on which the sign is located, advertising goods, services or products manufactured or offered for sale within the structure or on the lot, except that:

1. General advertising signs may be allowed only in non-residential zoning districts by a special use permit. In addition to satisfying the criteria set forth in Section II. E. 3, above, a special use permit for a general advertising sign shall be granted only if the applicant establishes the public benefits and a compelling need for such a sign. General advertising sign allowed by special use permit may be in addition to other allowed signs.

C. Roof signs, exposed neon tube signs and moving signs (except for those displaying time and temperature) are prohibited.

D. No sign may make use of intermittent lights, flashing, display or any other animation, except for time and temperature signs. Message boards are only allowed as a segment of a sign. The message(s) shall not flash, and changes in messages or information shall occur at a frequency not to exceed six (6) changes per hour. General advertising messages are not allowed on message boards.

E. Temporary signs shall comply with the following:

1. The sign permit or special use permit, as the case may be, shall state the length of time the sign may be displayed. Such time shall not exceed thirty (30) days in any calendar year without the issuance of a special use permit pursuant to the requirements of this by-law. Temporary signs shall not be illuminated. Temporary signs, when permitted, may be in addition to an allowed sign(s).

2. Temporary signs may be used to identify property or structures for sale, lease or rent and shall be allowed in all zoning districts pursuant to the dimensional and other regulations for the district in which it is located. Notwithstanding any other provisions of this by-law to the contrary, no sign permit is required for temporary signs under this Section III. E. 2, and no limitations shall be imposed on the duration of time such temporary sign(s) may be displayed.

3. Churches, charitable and civic groups may erect temporary signs for the promotion of civic, welfare or charitable events for these groups. Such signs shall not exceed twelve (12) square feet in area. They shall be removed immediately following the event.¹

4. One (1) temporary construction sign not exceeding thirty-two (32) square feet is allowed on any lot. In the case of construction of a house on a lot not part of a sub-division, a temporary sign may not be larger than six (6) square feet.

F. Political signs are allowed in all districts subject to the dimensional and other regulations for the zoning district in which it is located. No sign permit is required for political signs.²

¹ Assistant Attorney General disapproved sentence on August 20, 1995. Struck sentence from ByLaw "shall be erected no more than 14 days prior to the event and".

² Assistant Attorney General disapproved sentence on August 20, 1995. Struck sentence from ByLaw "and shall be removed within five (5) days of the election".

G. A sign or its illuminator shall not, by reason of its location, size, shape or color, interfere with traffic, or be confused with, or obstruct the view or effectiveness of, any official traffic sign, traffic signal, or traffic marking.

H. Lighting from a sign(s) shall be shaded, shielded or directed so that it will not reflect or shine on or into abutting premises or onto nearby streets.

I. Privately-owned directional or traffic control signs are allowed on any lot in addition to other allowed signs, provided these signs shall not exceed five (5) square feet, shall be limited to three (3) colors and two (2) per lot, except as allowed below.

J. Pennants, ribbons, streamers, spinners, balloons, strings of lights not associated with a specific holiday or religious event, flags other than those identifying a nation, state, city, town, or the logo or trademark of a business, and searchlights, revolving or oscillating beacons are not allowed.

K. Farm stands may have one (1) free-standing sign and one (1) wall sign on each side of one (1) structure facing a street. Each sign shall not be larger than twelve (12) square feet and shall either identify the farm stand business or advertise the sale of farm produce.

L. The Town of Foxborough shall be exempt from this by-law.

M. Calculations of area and height of signs

1. For a free-standing sign, the area of the sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the sign itself.

2. For a wall sign, the area of the sign shall be considered to include all lettering, wording and accompanying designs and symbols, together with any background of a color different from that of the building.

3. Except as otherwise provided in paragraphs M.1 and M.2 above, where the sign consists only of individual letters or symbols attached to or painted on a surface, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all of the sign's letters and symbols.

4. Only one (1) face of a two-sided (2) sign shall be counted in computing the area of a sign, provided the sign faces are parallel and of equal size.

5. The height of a free-standing sign shall be the vertical distance between the top of a sign and the mean grade of the ground within ten (10') feet of the base of the sign.

N. Insofar as the provisions of this Section III are in conflict with or are inconsistent with or are inconsistent with the provisions of Section V.A.& below, the provisions of Section V.A.7 shall govern.¹

¹ STM December 6, 1999, Article #5.

IV. Sign Definitions

A. The terms listed herein, shall for the purposes of this by-law, have the following meaning.

1. Combination sign: A sign which combines the characteristics of two (2) or more of the types of signs defined herein. It shall be considered one (1) sign when determining compliance with dimensional requirements.
2. Free-standing sign: Any sign that stands independently of any structure and is permanently affixed or attached or anchored to the ground. The footings for these signs shall not be located closer than ten (10') feet from any property line and shall not interfere with visibility from vehicles.
3. General advertising sign: A sign or display which advertises goods, activities or services which are generally not produced or available at the location of the sign on a daily basis. These signs require a special use permit.
4. Illuminated sign: Any sign which is internally or externally illuminated.
5. Message board: A part or segment of a sign which may display text (such as the time or temperature) or graphics which may move, change or have the ability to do so at intervals not exceeding the limitations imposed under Section III.D. above. Message boards shall not exceed twenty-five (25%) percent of the total allowed square footage of a sign.
6. Moving sign: Any sign or part thereof, which physically moves or which gives the appearance of any type of motion, excluding message boards or signs carried or towed by aircraft of any kind.¹
7. Portable sign: Any sign capable of readily being moved from one location to another and having no permanent attachments, or in-ground supporting structures or braces, including, without limitation, wheeled trailers on which a sign can be mounted and those circumstances in which an automobile, truck, bus or trailer is situated so as to function primarily as a sign. Portable signs do not include signs on or within automobiles, trucks, buses or trailers that identify the owner or products that the owner of the vehicle provides from the vehicle. All portable signs are considered temporary signs and subject to the restrictions applicable to temporary signs.
8. Projecting Sign: A sign whose face or structure extends perpendicular to the wall from which it is attached.²
9. Roof sign: A sign on a roof of a structure which projects above the ridge line or parapet of a building.
10. Sign: Any letter, word, symbol, figure, drawing, picture, design, device, light, painting, message, plaque, poster, billboard, flag, pennant, banner, etc., article or other object that advertises, calls attention to, or indicates any premises, person, activity, business, event, goods, product, service, use or other matter whatever the material or manner of composition of construction.
11. Temporary signs: A sign, including portable signs, which shall be visible for a time not to exceed a total of thirty (30) days in any twelve (12) month period or

¹ ATM May 11, 2009, Article #22.

² ATM May 13, 1996, Article #21. Renumbered existing definitions #9 through #13.

as authorized by issuance of a special use permit. The size of such signs shall comply with the dimensional and other regulations for the zoning district in which it is located. Temporary signs shall be limited to the provisions of Section III. E. political signs are not considered temporary signs.

12. Wall signs: Any sign attached to or painted on a building with the exposed face of the sign in a plane parallel to the plane of the wall. Attached signs shall not project more than one (1) foot from the face of the structure nor above the top edge of the wall (ridge line or parapet) to which it is attached.

13. Window sign: Any sign or display within, attached or painted on a window of a structure. Not more than twenty-five (25%) percent of the total square footage of any window shall be covered at any one time. Unless permanently painted or affixed, window signs shall be considered temporary signs and comply with the restrictions applicable to temporary signs.

B. Insofar as the provisions of this Section IV are in conflict with or are inconsistent with the provisions of Section V.A.7 below, the provisions of Section V.A.7 shall govern¹

V. District Regulations

A. The following regulations apply to all signs. Where applicable, the provisions set forth above in this by-law shall also apply.

1. Residential Districts (R-15 & R-40): The following signs shall be allowed on each lot.

a. One (1) free-standing sign not larger than three (3) square feet nor exceeding six (6) feet in height, indicating the location of a permitted home occupation, or other permitted use.²

b. One (1) temporary sign, except for a portable sign which is not allowed, which shall not exceed six (6) feet in height and six (6) square feet in area except as otherwise provided in Section III. E., above. Corner lots shall be permitted two (2) such signs.

2. Neighborhood Business (NB) Districts:³

a. One (1) free-standing sign which shall not exceed the dimensional requirements set forth in Table 15-1.

b. One (1) wall sign on each wall of a building facing a street. Each wall sign shall identify the business use and shall not be larger than ten (10%) percent of the wall area up to, but not exceeding a maximum of one hundred (100) square feet of the wall on which the sign is located. The letters of a wall sign shall not exceed two (2') feet in height.

c. One wall sign or the free-standing sign may be illuminated. It shall not be illuminated between 11:00 p.m. and 6:00 a.m. except for signs identifying business uses which remain open past 11:00 p.m. Such establishments must extinguish their signs upon closing.

¹ STM December 6, 1999, Article #5.

² ATM May 12, 1997, Article # 18.

³ ATM May 13, 1996, Article #21. Deleted term "General Business (GB).

d. Awning signs shall be permitted on the edge of the awning only and shall not be considered a wall or free-standing signs. Letters shall not be larger than one (1') foot high and shall only advertise the business use.

e. Window signs shall be allowed provided that not more than ten (10%) percent of the total square footage of window is covered at any one time.

f. One temporary sign which shall comply with the requirements of Section III E. above. Temporary, free-standing signs not regulated by III. E. above shall not exceed the dimensional requirements found in Table 15-1. Temporary wall signs shall not exceed the square footage requirements of this by-law applicable to wall signs generally.

3. Limited Industrial, General Industrial and Highway Business (LI, GI, & HB) Districts:

a. One (1) free standing sign which shall not exceed the dimensional requirements set forth in Table 15-1. If the business activity has a separate entrance fronting on a second abutting street, one (1) additional free-standing sign complying with the requirements of Table 15-1 shall be permitted at the separate entrance.

b. One (1) wall sign for each wall of a building facing a street which shall not be larger than twenty (20%) percent of the wall area of that face of the building, to a maximum of two hundred (200) square feet of the wall on which it is located. The letters shall not exceed four (4') feet in height.

c. All allowed signs, other than temporary signs, may be illuminated.

d. Window signs shall be allowed provided that no more than ten (10%) of the total square footage of window is covered at any one time.

e. One (1) temporary, free-standing sign which shall comply with the requirements of Section III. E. above. Temporary, free-standing signs not regulated by III. E. above, shall not exceed the requirements set forth in Table 15-1. Temporary wall signs shall not exceed the square footage requirements of this by-law applicable to wall signs generally.

4. Special Use Districts (S-1):

a. One (1) free-standing sign which shall not exceed the dimensional requirements set forth in Table 15-1. If the business activity has a separate entrance abutting a second street, or a common driveway approved in accordance with the provisions of the Foxborough Zoning By-Laws, one (1) additional free-standing sign complying with the dimensional requirements of Table 15-1 shall be permitted at each separate entrance.

b. One (1) wall sign for each wall of a building facing a street which shall not be larger than twenty (20%) percent of the area of the wall on which it is located, or two hundred (200) square feet in area, whichever is smaller. For buildings or structures of over one hundred thousand (100,000) square feet gross floor area, the area of a sign may be increased to four hundred (400) square feet or twenty (20%) percent of the area of the wall, whichever is smaller. The letters of which shall not exceed four (4') feet in height.

c. All allowed signs other than temporary signs may be illuminated.

d. Two (2) temporary signs which shall comply with the requirements of Section III. E. above. Temporary free-standing signs not regulated by III. E. above shall not exceed the dimensional requirements set forth in Table 15-1. Temporary wall signs shall not exceed the square footage requirements of this by-law applicable to wall signs generally.

e. Window signs shall be allowed provided that no more than ten (10%) percent of the total square footage of window is covered at any one time.

f. Insofar as the provisions of this Section V.A.4 are in conflict with or are inconsistent with the provisions of Section V.A.7 below, the provisions of Section V.A.7 shall govern.¹

5. General Business District (GB):² The intent of these regulations is to provide continuity and consistency in the design, size, location and style of signs within this district. Any new sign or replacement of an existing sign shall comply with the requirements found in Paragraph II, C above and shall require approval from the design review board. Applications shall be filed with the building commissioner pursuant to the procedures noted in Paragraph II above and he shall forward it to the design review board. The following regulations apply:

a. One free-standing sign is allowed for each structure. It shall not exceed the dimensional requirements set forth in Table 15-1 and no portion of the sign shall extend over the property line.

b. One wall sign on each wall of a building facing a street or parking area is allowed. Each wall sign shall identify the business(es) or service(s) provided therein. It shall not be larger than ten (10) percent of the wall area; up to, but not exceeding a maximum of one hundred (100) square feet of the wall on which the sign is located. The letters of a wall sign shall not exceed twelve (12) inches in height.

c. Illumination: One wall sign or the free-standing sign may be internally illuminated. Signs may be externally illuminated provided the lighting is directed onto the sign and there is no spillage.

¹ STM December 6, 1999, Article #5.

² ATM May 13, 1996, Article #21. Inserted "General Business District (GB).

d. Awnings are desirable as they are aesthetically pleasing and provide protection from the elements to pedestrians. Lettering shall be located on the edge of the awning only. Letters shall not be larger than eight (8) inches high and shall only identify the business(es) or service(s) located within the structure. Awnings may be of canvas or other substances. Awning signs are allowed in addition to allowed wall or free-standing signs.

Signs suspended from awnings are allowed. One sign is allowed for each entrance to a building. These shall be designed and situated for viewing by pedestrians. They shall not exceed two (2) square feet in area. Clearance from the bottom of the sign to the sidewalk shall be a minimum of six (6) feet, eight (8) inches.

e. Permanent window signs shall be allowed provided that not more than 25% of the total square footage of the window is covered at any one time. Window displays beyond the 25% are allowed.

f. Neon signs are allowed as window signs only and shall not exceed the 25% limitation.

g. One temporary sign is allowed per building entrance which shall comply with the requirements of Section III E above. Temporary, free-standing signs designed for pedestrian viewing are allowed. They shall not exceed six (6) square feet and shall not hinder pedestrian movements or sidewalk traffic. Such signs shall be removed from the sidewalk upon the closing of the business. Temporary wall signs shall not exceed the square footage requirements of Paragraph (b) above.

h. Projecting signs, as defined in Paragraph IV, Item #8 herein, are not allowed.

i. General advertising signs, as a portion of a permitted sign, may be allowed by the issuance of a Special Use Permit.

j. Signs shall be limited to three colors. The background coloring, provided that it is a solid color, shall not be considered one of the three colors."

6. Regulations specific to gasoline sale and service facilities.

a. In addition to signs allowed within each zoning district, gasoline sales and service facilities may maintain two (2) product identifications signs to be placed or mounted only on the wall(s) of the building. Each sign shall not exceed eight (8) square feet in area and shall not exceed three (3) colors.

b. The standard type gasoline pump bearing the name or type of gasoline, the price in the usual size and form mounted on the pump, and safety precautions shall not be considered signs within the meaning of this by-law.

- c. Window signs shall be allowed provided that no more than ten (10%) percent of the total square footage of window is covered at any one time.

7. Economic Development Area Overlay District (EDAOD):¹

- a. The following signs shall be allowed on each lot within the EDAOD:
 - 1. All signs permitted in the Special Use (S-1) District set forth in Section V.A.4 above;
- b. The following signs shall be allowed within the EDAOD on the lot on which the stadium is located (the "Stadium Lot") and on any Accessory Lot as "Accessory Lot" is defined below in Section V.A.7.c:
 - 1. One free-standing marquee-style sign, not to exceed 1950 square feet in sign area or 60 feet in height shall be allowed along Route One on the Stadium Lot or one of the Accessory Lots. A portion of such sign may include a message board, not to exceed forty percent (40%) of the sign area, which may contain moving video images and variable and scrolling words and which shall not be subject to the limitations of Section III.D.
 - 2. Two (2) free-standing signs shall be allowed for each main vehicular entranceway and each main pedestrian entranceway to the Stadium Lot and the Accessory Lots, provided, however, that where the same entranceway is used for both pedestrian and vehicular access, it shall be limited to two (2) such free-standing signs. Such signs shall not exceed 40 feet in height or exceed 200 square feet in area per side. A portion of such sign may include a message board, not to exceed forty percent (40%) of the sign area, which may contain variable and/or scrolling words and which shall not be subject to the limitations of Section III.D, provided that any moving sign elements may only be used during stadium events. Such signs may be allowed by Special Use Permit, pursuant to the requirements of Section II.E.3, to exceed the foregoing height, sign area and message board area limitations.
 - 3. Four free-standing billboard-style signs (excluding water tower signage allowed pursuant to Section 15(B) V. A.7.b.7, not to exceed 1,000 square feet in sign area per side or 40 feet in height, shall be allowed along Route 1 on the Stadium Lot or the Accessory Lots, provided however, two of said four billboard-style signs shall be located partially or wholly on or upon the Town-owned land surrounding the

¹ STM December 6, 1999, Article #5.

Reuse Tank located across Route 1 from Gillette Stadium.¹ A portion of such sign may include a message board, not to exceed forty percent (40%) of the sign area, which may contain variable and/or scrolling words and which shall not be subject to the limitations of Section III.D, provided that any such message board shall not contain any flashing messages and any moving sign elements shall be limited to messages related to stadium activities.

4. In addition to the other free-standing signs permitted in the EDAOD on the Stadium Lot and the Accessory Lots, additional free-standing signs, including multi-sided kiosk-style signs, without restriction as to number of signs shall be allowed on such lots, provided that (i) no such signs shall be allowed within one hundred (100) feet of Route One, (ii) such signs located greater than one hundred (100) feet and less than three hundred fifty (350) feet from Route One shall not exceed 26 feet in height and 100 square feet in sign area per side, (iii) such signs located no less than three hundred fifty (350) feet from Route One shall not exceed 40 feet in height and 400 square feet in sign area per side, and (iv) such signs are not intended primarily for viewing by vehicular traffic on Route One. In addition to the foregoing signs, free-standing three-dimensional signs, including cylindrical signs, shall be allowed provided that any such signs shall be located no less than three hundred fifty (350) feet from Route One and shall not exceed forty (40) feet in height.
5. In addition to the free-standing signs allowed under Sections 7.b.1 through 7.b.4 above, three (3) free-standing signs along Route One shall be allowed on the Stadium Lot and the Accessory Lots, provided that (i) such signs do not exceed 35 feet in height or 300 square feet in sign area per side, (ii) no such sign is located within five hundred (500) feet of another sign along Route One, with the exception of the free-standing signs allowed under Sections 7.b.1 through 7.b.4 above, and (iii) for each such sign, fifty (50) trees shall be planted on the Stadium Lot or the Accessory Lots, said trees to be in addition to any and all trees shown on the landscaping plan approved by the Planning Board as part of its site Plan Approval of the new stadium and said trees to be planted in accordance with a plan that shall be submitted to the Planning Board prior to the planting of such trees and subsequent to Site Plan Approval of the new stadium. In addition to the foregoing three such signs allowed by right, additional free-standing signs that comply with requirements (i) and (ii) above may be allowed by Special Use Permit pursuant to the requirements set forth in Section II.E.3. When reviewing such a request for a Special Use Permit, the Board of Appeals shall employ the criteria detailed in Section II.E.3 and may consider the need for additional landscaping to alleviate excessive impacts from such additional signage.

¹ STM June 11, 2007, Article #15.

6. Wall signs shall be allowed on the stadium or any building or permanent structure on the Stadium Lot or the Accessory Lots provided that (i) the buildings or structures on which such signs are located are not less than seventy-five (75) feet from Route One and (ii) such signage satisfies the following requirements: (a) such wall signs located on the stadium and permanent structures attached to the Stadium shall not be in the aggregate greater than forty percent (40%) of the total wall area of the stadium and any structures attached to the stadium; (b) such wall signs attached to any building or permanent structure located less than three hundred (300) feet from Route One shall not be greater than twenty percent (20%) of the area of the wall of the building or structure on which such signs are located; and (c) such wall signs attached to any building or permanent structure located three hundred (300) feet or more from Route One shall not be greater than thirty percent (30%) of the area of the wall of the building or structure on which such signs are located. Such signs shall not be subject to the horizontal projection limitation of Section IV.A.12 of this Section 15(B). Such signs shall be subject to the vertical projection limitation of said Section IV.A.12, except that wall signs located on permanent structures attached to the stadium may project twenty feet above the roof of such structure and wall signs located on the stadium may project to the higher of the top of the light towers of the stadium or twenty (20) feet above the stadium roof.
7. Signs painted on or affixed to ¹any water tower located on the Stadium Lot or any Accessory Lot shall be allowed and shall not be subject to the limitations set forth in Section 7.b.6 above or any other requirements of this Section 15(B).
8. Privately owned directional or traffic control signs shall be allowed on the Stadium Lot or any Accessory Lot, including freestanding message board directional signs and street signs identifying the names of private access ways, driveways and roadways, which signs shall not be subject to the requirements of this Section 15(B)
9. Roof signs shall be allowed on the stadium, any structure attached to the stadium and any other building or permanent structure on the Stadium Lot or any Accessory Lot and shall not be subject to the requirements of this Section 15(B), provided that:
 - (i) only stadium-identification signs shall be allowed on the roof of the stadium and any such roof sign on the stadium shall not extend above the higher of the top of the light towers on the stadium and twenty feet above the stadium roof;
 - (ii) any roof sign on any permanent structure attached to the Stadium shall not extend greater than

¹ STM June 11, 2007, Article #15.

twenty (20) feet above the roof of such structure, training facility or retail building;

(iii) the sign area of roof signs on the stadium and on permanent structures attached to the stadium, when aggregated with the wall signs on the stadium and such attached structures, shall not exceed the applicable sign area limitations of Section 7.b.6 above;

(iv) only horizontal roof signs that are visible primarily from above shall be allowed on the roof of any building or permanent structure (other than the stadium and structures attached thereto) located on the Stadium Lot or any Accessory Lot; and

(v) roof signs that do not comply with the limitations set forth in subparagraphs (i) through (iv) above may be allowed by Special Use Permit, pursuant to the requirements of Section II.E.3.

- c. For the purposes of this Section 15(B), within the EDAOD an "Accessory Lot" shall be defined as any lot that (i) is under common or affiliated ownership with the Stadium Lot (whether such ownership interests are fee simple, easement or leasehold) and (ii) is not separated from the Stadium Lot by a lot that is not under such common ownership.¹
- d. Signs located within the stadium in the EDAOD (even if such signs are visible from outside of the stadium or similar sporting facility) shall not be subject to any restrictions, regulations or limitations of this Section 15(b).
- e. Signs otherwise allowed on the Stadium Lot and the Accessory Lots pursuant to Section V.A.7 may be illuminated and shall not be subject to the content restrictions of Sections III.A, III.B, III.D and IV.A.3 of this Section 15(B), except that no free-standing sign located along Route One shall be used exclusively for the advertising of commercial goods, services and/or products other than stadium activities and events.
- f. Notwithstanding the provisions of Section III.J of this Section 15(B), on the Stadium Lot and the Accessory Lots within the EDAOD, there shall be no restriction or limitation on pennants, flags, banners and awnings on any such lot.
- g. Notwithstanding the provisions of Sect III.J of this Section 15(B), on lots within the EDAOD, pennants, flags, banners, balloons, and awnings may displayed for a period of time not to exceed 30 days during a calendar year.²

VI. Dimensional Requirements

- A. Free standing signs, located in non-residential zoning districts, shall comply with the following dimensional requirements.
- B. Insofar as the provisions of this Section VI are in conflict with or are inconsistent with the provisions of Section V.A.7 below, the provisions of Section V.A.7 shall govern.³

¹ STM June 11, 2007, Article #15.

² ATM May 10, 2004, Article #18.

³ STM December 6, 1999, Article #5.

TABLE 15-1
Maximum Area and Height of Free-Standing Signs in Non-Residential Districts

<u>Number of Travel Lanes</u>	<u>Max. Speed Limit in Miles per Hour</u>	<u>Max. Permitted Height of Sign in Feet</u>	<u>Max. Permitted Area of Sign in Square Feet</u>
2	Up to 25	12	25
2	Up to 35	16	50
2	Up to 45	20	75
4	Up to 55 ¹	26	100
4	Over 55	30	200*

*for buildings or structures of over one hundred thousand (100,000) square feet gross floor area, the area of a sign may be increased to four hundred (400) square feet.

Section 15C: Excavation and Trench Safety²

1. Purpose.

The purpose of this by-law is to establish reasonable standards to protect the safety of the citizens of the Town of Foxborough from the hazards inherent in trenches and to provide for penalties for individuals who violate any provision of this by-law.

2. Authority, Fee.

Pursuant to the provisions of MGL Ch. 82A, the regulations of the Department of Public Safety in conjunction with the Division of Occupational Safety as promulgated under 520 CMR 14.00 regarding excavation and trench safety, except for 520 CMR 14.01, 14.03(2)(b), and 14.05(3) and (4), are expressly incorporated into this by-law by reference. Furthermore, 14.02 is incorporated into this by-law except for the definition of "permitting authority", 14.05 is incorporated into this by-law by inserting the words "and this by-law" after the words "520 CMR 14.03", and 14.05(7) is incorporated into this by-law except for the words "in accordance with G.L. c. 30A, § 14". ³A reasonable fee to defray the cost of administration incurred in the review and processing of permits to be issued under this by-law shall be established pursuant to MGL Ch. 40, s. 22F Ch. 82A, s.2.

3. Permitting Authority.

The Director of the Department of Public Works or his designee shall serve as the "Permitting Authority" for excavations to take place on both property that is owned or controlled by a public agency or that a public agency otherwise has a property interest in, including but not limited to an easement, and for excavations to take place on privately owned land. Designees of the Director of the Department of Public Works may include the Building Inspector, Police Chief, and the Fire Chief or their respective designees.

4. Fire or Police Department Detail.

In the event that the Permitting Authority becomes aware or is notified of an unattended trench during a time when the permit holder is unavailable, it may require a fire or police department detail to attend such unattended trench to protect the general public, the cost of which shall be assessed to the permit holder.

5. Application.

The provisions of this by-law shall apply to any excavator in the Town of Foxborough.

¹ ATM May 11, 1998, Article #22.

² STM December 15, 2008, Article #9, insert new section. Caution should be exercised in the application of Section 2 (Fees) in that the Attorney General's office has deemed that the adoption of the text of 520 CMR 14.00 as a local by-law without amending it to recognize its local application could prove problematic. The Attorney General's office also suggests using care in implementing and enforcing Section 6(Violations) in that enforcement of a by-law violation, a lesser offense, might foreclose prosecution of a G.L. c. 82A, violation, a more serious offense.

³ ATM May 11, 2009, Article #19.

6. Violations.

Except (in order to avoid duplicate state and town penalties) where the Department of Public Safety has assumed jurisdiction over a violation of the state excavation and trench regulations,¹ any person violating this by-law shall be fined two hundred dollars (\$200.00) for each offense, each day constituting a separate offense. The enforcing persons for this by-law shall be the Permitting Authority or his designees and any fire shift commander of the Town of Foxborough. Non-criminal disposition of violations shall be available to apply to violations pursuant to the Revised General By-Laws, Article VIII, Section 5.

Section 16 Temporary Repairs - Private Ways²

The superintendent of the highway, tree and park department, with the prior approval of the board of selectmen, upon petition to such board by one or more abutters, may enter upon any private way within the town to make temporary repairs thereto. The board of selectmen shall determine the public necessity for such repairs and (a) the type and extent of such repairs; (b) whether or not drainage shall be included; (c) whether or not to assess betterment charges for such repairs; and (d) whether or not, and the amount of a cash deposit required to be paid by the abutters for such repairs.

The Town shall not be liable to any person, whomsoever, for any injury or damage to person or property caused by or arising out of any act, omission, or neglect of the Town, its agents, employees, or contractors with regard to any such repairs. Nothing contained herein shall be deemed to require the Town to undertake to make any such repairs.

Section 17 Special Property Tax Assessment³

1. Creation of Special Property Tax Assessment. A special property tax assessment is hereby created for substantial rehabilitation of owner-occupied residential property listed on the State Register of Historic Places (State Register). The increase in assessed value resulting from substantial rehabilitation of eligible properties shall be phased in one-fifth increments over a period of five (5) years to the full assessed value of the property. The special assessment shall extend only the building(s) or structure(s) that are rehabilitated.

2. Eligible Properties. In order to be eligible for the special assessment, property must meet the following criteria:

a. The property to be rehabilitated must be occupied by the owner exclusively for residential purposes and be listed on the State Register which is maintained by the Massachusetts Historical Commission (MHC) pursuant to M.G.L. Chap. 9, section 26C, either individually or as a contributing element within an historic district.

b. The cost of rehabilitation, as that term is defined in 950 C.M.R. 72.04, the applicable provision of the Code of Massachusetts Regulations, must be not less than 25% of the assessed value of the property prior to rehabilitation. Not less than 10% of the cost of rehabilitation shall be dedicated to rehabilitation of the exterior of the historic building.

c. The property owners must present to the Assessors a certificate from the MHC stating that the proposed rehabilitation meets the Secretary of the Interior's Standards.

3. Application Process. To be eligible for the special assessment, a property owner shall submit an application, on a form provided by the Assessors, which includes the following information.

a. certification from the MHC that the rehabilitation as proposed meets the Secretary of the Interior's guidelines;

b. proof of the applicant's ownership and occupancy of the subject property;

¹ ATM May 11, 2009, Article #19.

² ATM May 8, 1995, Article #24.

³ ATM May 11, 1998, Article #20.

- c. the total actual or proposed cost of rehabilitation;
- d. the property's assessed value prior to the rehabilitation; and
- e. such other information as the Assessors may from time to time require.

Within sixty (60) days of receipt of a completed application, the Assessors shall determine whether the proposed rehabilitation meets the eligibility criteria set forth in Section 2, and will notify the owner of its decision in writing. The Assessors shall grant final approval of the special assessment upon receipt of the certification described in 950 C.M.R. 72.08 (2) and compliance with the requirements of this by-law.

Within ninety (90) days of completion of the rehabilitation, the property owner shall provide to the Assessors a certification that the completed work conforms with the proposed rehabilitation and meets the Secretary of the Interior's Standards. The owner shall obtain such certification from the MHC, or from the Foxborough Historical Commission if the property is in an historic district, or is a designated landmark, or is otherwise subject to a preservation restriction or ordinance.

4. Effective Date of Special Assessment. The special assessment will take effect on the first day of the next fiscal year after the assessment is approved by the Assessors.

5. Time Limits.

- 1. An owner shall apply for the special assessment no later than two (2) years after completion of the rehabilitation certified by the MHC.
- 2. In order to be included in the total cost of rehabilitation as defined in 950 C.M.R. 72.04, all rehabilitation work must be completed within a three (3) year period.

Section 18 Right of Way By-Law¹

I. Preamble

In partial fulfillment of the obligation to see to the prudential management of the Town's affairs and assets and in light of the continuing technological revolution in telecommunications, the recent passage of the Telecommunications Act of 1996 and the de-regulation of the electric and natural gas industries in the Commonwealth, the Town hereby establishes a comprehensive and fair system of regulation for all entities which desire to use the Town's Rights-of-Way.

II. Introduction

The purpose and intent of this By-Law is to:

Provide the Town with accurate and current information concerning all facilities located in the Town's Rights-of-Way together with current information concerning entities owning or controlling the Facilities, and

- a. Permit and manage reasonable access to the public Rights-of-Way on a competitively neutral basis, and
- b. Manage Grants of Location in Public Ways, and
- c. Conserve the limited physical capacity of the Rights-of-Way held in public trust by the Town, and
- d. Assure that the Town is appropriately compensated when its Rights-of-Ways are utilized by non-governmental entities, and
- e. Assure that the Town's current and on-going costs of granting and regulating private access to and use of the public Right-of-Way are fully paid by the persons seeking such access and causing such costs, and
- f. Assure that the Town can continue to fairly and responsibly protect the public health, safety and welfare.

¹ ATM 5/8/00 Article #15.